

# Employee Benefits and Executive Compensation

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Employee benefits and executive compensation issues have become increasingly complex. Providing legal advice in these areas requires knowledge not only of ERISA and related benefits statutes, but also of tax, securities and employment laws. We help our clients navigate the legal complexities and help them think through the practical and business issues associated with their employee benefits and executive compensation decisions.

## **Our Areas of Expertise Include:**

**Benefit Plans.** We provide advice on a wide variety of issues related to the design, preparation, communication, administration, and operation of all forms of employee benefit plans and related funding vehicles. We have broad experience with defined benefit pension plans, including cash balance plans, as well as defined contribution plans, including ESOPs. We have substantial experience advising clients with respect to their group health plans, including self-insured, fully-insured and funded and collectively bargained group health plans. Our practice in this area spans the entire life-cycle of health plans, ranging from design, drafting plan documents, counseling with respect to administration matters, assisting with claims disputes, governmental audits, mergers and acquisitions, and plan terminations. We also assist employers to comply with the requirements under the Affordable Care Act and we provide advice on compliance with COBRA, HIPAA and other welfare benefit laws. We also have experience with cafeteria (section 125) plans, dependent care plans, flexible spending accounts, group life insurance and other welfare benefits.

**Executive Compensation.** We advise employers, board

## Capability Lawyers



Kenneth A. Raskin  
*New York*



Samuel S. Choy (Sam)  
*Atlanta*



Laura Westfall  
*New York*

## Recognition

Plan Sponsor Council of  
America Names Ken Raskin  
Chair of its Board of  
Directors  
PLAN SPONSOR COUNCIL  
OF AMERICA

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compensation committees and executives on all aspects of executive compensation programs and in related funding vehicles, including equity and equity-based programs, non-qualified deferred compensation plans, short-term and long-term incentive and performance compensation programs, change-in-control programs, and “rabbi” trusts. We also advise clients regarding golden parachute, section 162(m) and section 409A matters.

**Plan Investments.** We have significant expertise in income tax, ERISA and business issues related to benefit plan investments. We routinely provide advice with respect to investments in employer stock, including leveraged ESOPs, and work closely with our corporate and securities lawyers to resolve registration, filing, disclosure and voting issues that arise with respect to such investments. In addition, we review and negotiate private equity, real estate and hedge fund investments for our benefit plan clients.

**Business Transactions.** We assist clients with business transactions, including acquisitions and dispositions, reorganizations, bankruptcies and financings, all of which can involve employee benefit issues. We also address post-transaction issues related to integrating or separating benefit plans, change in control matters and executive compensation arrangements. We negotiate trust agreements, custody agreements, administrative services agreements, investment management agreements and other agreements for benefit plans. We also represent borrowers in negotiating the ERISA provisions in their credit facilities.

**Benefit Controversies.** We represent clients in a wide array of Department of Labor and IRS investigations and audits concerning employee benefit plans, and counsel clients and negotiate with the PBGC in connection with defined benefit plan terminations and premium disputes. We also counsel clients and negotiate solutions for compliance errors under IRS and Department of Labor correction programs. Finally, we regularly work with our ERISA and employee benefits litigators to provide technical and compliance advice to clients in ERISA class actions and other complex employee benefits litigation, internal investigations and ERISA related administrative controversies.

Cases & Deals

King & Spalding Advises Morgan Stanley Real Estate

Advisors, Inc. on Investment Fund

King & Spalding Advises Client on Chapter 7 Benefits Matters

King & Spalding Advises Client on Expatriate Executive Benefits Programs

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Insights

**NEWSLETTER**

*September 26, 2019*

Compensation and Benefits Insights – September 2019

**NEWSLETTER**

*August 27, 2019*

Compensation and Benefits Insights – August 2019

**NEWSLETTER**

*July 26, 2019*

Compensation and Benefits Insights – July 2019

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Events

**SPEAKING ENGAGEMENT**

*October 19, 2018*

Kenneth Raskin to Speak at Tax Strategies 2018 Conference

**SPEAKING ENGAGEMENT**

*November 14, 2017*

Ken Raskin to Speak on PSCA Webinar About Errors in Employment, Severance, and Deferred Compensation Agreements

**SPEAKING ENGAGEMENT**

*October 18, 2017*

Kenneth Raskin to Speak at PLI's 2017 Tax Strategies for Corporate Acquisitions, Dispositions, Spin-Offs, Joint Ventures, Financings, Reorganizations & Restructurings Seminar

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News

**IN THE NEWS**

*September 6, 2019*

John McClenahan, Mark Davies, Kevin Manz and Jonathan Wang represent Modec in a \$1.1B refinancing of offshore oil platform in Brazil's Santos Basin

**RECOGNITION**

*May 31, 2019*

Sam Choy Receives Georgia Asian Pacific American Bar Association's Highest Award

**IN THE NEWS**

*July 10, 2018*

DC Dimensions profiles Plan Sponsor Council of America and its chairman Kenneth Raskin in a cover story for the organization's magazine

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